

01/12/2017

Meeting w/MDNR & PSTIF
Sedalia, MO

10:00 AM Kick Off - Marty Miller Comments
Comments & Questions

Introductions

Marty Miller/MDNR/PSTIF

James Greer PSTIF

Aaron Schmidt/MDNR

Dave Walters PSTIF

Doug Donare

Williams

Steve Feeler/Act Div. Dir.

Carol Eighmey PSTIF

Wilfredo Rosado Chaparo

Scott Hayes

Ray Bosch

Erin Weekley

Carol Eighmey Comments

Report Misses Marks Dramatically

MO Has One of Best Funds

Report Ignores Improvements

Fails to Take Into Account Metrics

Significantly Mischaracterizes Program

Carol wants to record our conversation

Scott characterizes our position that we are in a listening mode but we will try and answer where we can

Scott expressed his desire that questions / comments be submitted in writing and Carol said that that would happen

Carol taking us to task on what metrics we used to make our judgment call

Questioning use of our benchmark criteria

What to compare judgment criteria to? Benchmark
criteria? Criteria for non PSTAT sites? Did
we evaluate pace of cleanups on non-fund sites.

Scott emphasizes that we had specific problems
with specific sites

{ KEEP IN MIND THAT STATES HAVE SCREAMED
BLOODY MURDER WHEN TRYING TO COMPARE
ONE STATE TO ANOTHER

Carol talking about MDNR cleanups where fund is
not paying and sites are going much slower

Graph saying that MDNR is doing a worse job on
their sites

Referencing tanks backlog plan. Department no
using database to identify stalled projects. Stalled
projects number are down significantly. Cleanups
being done voluntarily now able to be identified. System
now in place to communicate with RPs in a
timely manner.

{ DO WE NEED TO HIGHLIGHT THESE ACCOMPLISHMENTS
MORE?

88.4% of its backlog already cleaned up. Better
than numerous other states.

{ WE BROUGHT UP AND WERE AWARE OF
THE NUMBER ISSUES

Carol - No distinction between voluntary cleanups
and MDNR compelled cleanups

{ VOLUNTARY CLEANUPS SHOULD BE TAKEN
OUT OF NUMBERS

Voluntary cleanups are a small percentage of sites
and most likely get done fast as much as
the get done slow

! { WHAT ARE THE NUMBERS ON VCP?

Check with the MDNR?

Carol is saying that the majority of files we reviewed were not covered by PSTIF

! { Insured Claims vs. Remedial Claims

PSTIF vs. Non-PSTIF

Wants EPA to Consider This

Carol is parsing words - FR Mechanism sites vs. Sites where they are finding the cleanup

Carol - Environmental Profession involves reviewing and evaluating technical data

Not enough recognition of dispute resolution process

Problems are all between MDNR & PSTIF?

! { WHY IS PSTIF INVOLVED IN THIS AT ALL??

Carol - Report does not acknowledge authority to judge environmental data.

Report clearly criticized Fund for ~~being~~ being too involved in technical aspects

! Carol wants to know what sites there are exposure risks at !!RISK!!

THE CONSULTANT SHOULD BE THE FINAL ARBITER ON THE SCOPE OF WORK???

REALLY???

Consultant Interviews - Unsourced allegations

appropriate for this report??? We say yes.

She wants a list of consultants.

? Identify clients adjustors rechatted with

Ray - Does PSTIF & MDNR have a good working relationship???

Carol - Improved. Interactions between staff.
But INTERACTIONS REGARDING WHAT?
TECHNICAL ISSUES?

A few DNR people do not want to cooperate
with them.

Aaron - Dave Walters (4½ years)
presence has helped

Dispute Resolution - Should they be closed? Why
is PSTIF even involved?

"Flummoxed by our report" Carol

Really?? After 12 years of reporting on this
very issue

Governance - Pretty much as I understand it

Board - Type III Agency - PSTIF assigned to MDEQ
What states did we compare them to. Page 17

Page 6 - Board has 2 employees. Address that
PSTIF is a Type III Agency accountable
to Board and the Governor

2004 Quite Inaccurate

Trying to make a distinction between FR and
coverage and paying for clean up

Response from 2012 Review. Wants us to look
at it again. Appendizize (April-June 2016)

Check on footnote 24 page 15 EPA and PSTIF
Carol curious about consultants being released

additional information on paragraph 4
Page 15 Paragraph 2 - What sites or situations are
we talking about

Page 15 Kennett Conoco - Differences of opinion
amongst environmental professionals. Why is
PSTIF's involvement in this manner a problem???

RESTROOM BREAK

Still Kennett discussion. More parsing over what PSTIE's role is. Outside expert issue.

Scott - Whole point is actions need to be taken more promptly more quickly less delays

- ! PSTIE has not engaged an outside expert on Main Street Shell site

Main Street Shell Kennett Conoco

What are the similarities connecting them
Clarification

What specifies on last sentence of second bullet point.

Last sentence on page 15 - greatest potential to exceed million dollar cap - last paragraph.
Probably extent of plume and exposures encountered.

PSTIE Halted due to time issues

2.1.5 & Main Street Bullet Points

* "On-going Exposures" threat?

Is "On-Going" language too strong

5-6 public meetings

handouts/fliers

website with fillable report form

staff check in with municipal partners

Main Street Shell

One home owner still dealing with issues

MDNR engaged on the site & following up

②

30 Day Response Time

I think we understand that there are segments of work that will take longer than 30 days.

③

Page 11 FTE to Work Load

11 FTE to 12 People

④

Technical staff not involved in dispute resolution

Aaron reassured us that he is consulting with them outside of those meetings and considering their opinions.

⑤

History of third party review requests

MDNR still supports asking for a third party review. No matter what the findings.

Carol Talking Again

Carol believes that legal costs do count against the \$1,000,000 cap. This is inconsistent with state and federal regulations. Carol believes that it is the DNR's purpose to make sure that happens.

PSTIF's duty to protect against erroneous claims

Marty Miller - Funding the MDNR

PSTIF is funding them. They are having a discussion on how to remedy that situation

Two Things We Avoided

* Telling PSTIF what their role is not

* Specifics on reasons for funding
concerns